

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE
LITIGATION

THIS DOCUMENT RELATES TO:

BOARD OF EDUCATION OF CHICAGO PUBLIC
SCHOOLS, DISTRICT 299, *et al.*

Plaintiffs

v.

CEPHALON, INC., *et al.*

Defendants.

MDL No. 2804

Case No. 1:19-op-46042-DAP

[Consolidated with 1:19-op-45913-DAP]

Judge Dan Aaron Polster

**MANUFACTURER DEFENDANTS' JOINDER IN PHARMACY DEFENDANTS'
OPPOSITION TO MOTION FOR LEAVE
TO FILE FIRST AMENDED CONSOLIDATED COMPLAINT**

Manufacturer Defendants¹ hereby join the Pharmacy Defendants' opposition to Plaintiff Chicago Public Schools' motion for leave to file a first amended consolidated complaint. The Court should deny Plaintiff's motion without prejudice because it defies the Court's moratorium "on all substantive [non-bellwether] filings." ECF #70, at 2; ECF #130 (Case 17-02804), at 2. Plaintiff's motion proposes adding new parties, causes of action, and factual allegations, and is therefore a "substantive filing" barred by the moratorium. Granting Plaintiff's motion would encourage other plaintiffs to similarly defy the moratorium, and would thereby compromise the moratorium's goals of streamlining litigation, preventing an unmanageable proliferation of docket activity, and allowing the court and parties to focus on active bellwether litigation. Plaintiff's

¹ Manufacturer Defendants include Janssen Pharmaceuticals, Inc., Cephalon, Inc., Teva Pharmaceuticals USA, Inc., Watson Laboratories, Inc., Actavis Pharma, Inc., Actavis LLC, Allergan Limited, Endo Health Solutions Inc. and Endo Pharmaceuticals Inc.

motion also comes long past the deadline for amendments as of right, and Plaintiff fails to identify good cause for its untimeliness.

The Manufacturer Defendants hereby join, adopt, and incorporate by reference the legal arguments made and authorities cited by the Pharmacy Defendants to the extent those legal arguments and authorities concern claims brought against the Manufacturer Defendants, and respectfully request that the Court deny Plaintiff's motion.

Dated: November 24, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2020, a copy of the foregoing **JOINDER IN PHARMACY DEFENDANTS' OPPOSITION TO MOTION FOR LEAVE TO FILE FIRST AMENDED CONSOLIDATED COMPLAINT** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: November 24, 2020

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